

REMARKS

Claims 1-7 are all the claims pending in the present application. The previous claim rejections over Takikita (US Patent No. 6,252,524) have been withdrawn, however the Examiner now applies new references to support the claim rejections. Specifically, claims 1-5 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Fuyama (US Patent No. 6,259,376), hereinafter referred to as Fuyama '376. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuyama '376, in view of Fuyama (US Patent No. 6,834,267) hereinafter referred to as Fuyama '267.

§102(e) Rejections (Fuyama '376) - Claims 1-5

Claims 1-5 are rejected for the reasons set forth on pages 2-4 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

With respect to independent claim 1, Applicant submits that Fuyama '376 does not disclose or suggest at least:

A. "vehicle speed detecting means for detecting a speed of a motor vehicle which passes through a toll gate station equipped with an electronic toll collection system,"

B. "measuring means for measuring reception field intensity of the received electronic toll collection information within a communication coverage area," and

C. "decision means for making decision on the basis of said detected vehicle speed and said measured reception field intensity as to a location within said communication coverage area where electronic toll collection information communication can be started while sustaining favorable reception field intensity at said detected vehicle speed, to thereby allow said

communication means to perform communication processing on the basis of result of said decision.”

With respect to the vehicle speed detecting means element and its accompanying operations, the Examiner cites Fig. 2 ; the abstract; and col. 4 line 25 through col. 5, line 54 of Fuyama ‘376, as allegedly satisfying this particular element. These cited portions of Fuyama ‘376 disclose that a vehicle 35 is judged as an unfair (non-ETC, electronic toll collection) vehicle or a fair (ETC) vehicle depending on whether a communication link is established when a second sensor detects the vehicle 35 and if the communication link is established during a pre-determined interval. Further, Fuyama ‘376 describes that the invention thereof is provided to prevent establishment of a communication link with one vehicle and with a following vehicle at the same time due to two vehicles existing in the same communication area. However, nowhere does the ‘376 patent disclose or suggest a vehicle speed detecting means (which constitutes a vehicle-onboard electronic toll collection apparatus) for detecting the speed of a motor vehicle which passes through a toll gate station equipped with an electronic toll collection system.

Further, with respect to the features set forth in items B and C above, the Examiner cites the exact same portions of Fuyama ‘376 that are cited to support the argument that the feature set forth in list item A above is satisfied. Accordingly, Applicants submit that Fuyama ‘376 clearly does not disclose or suggest the features set forth in listed items B and C, as the aspects of Fuyama ‘376 described in the portions cited by the Examiner (see above) clearly do not relate the features in listed items B and C above.

Yet further, Applicant submits that nowhere does Fuyama '376 disclose or suggest that a vehicle-on board electronic toll collection apparatus that comprises the claim features listed above.

Applicant submits that dependent claims 2-5 are patentable at least by virtue of their ultimate dependency from independent claim 1.

Further, with respect to claims 2 and 3, the Examiner cites the exact same portions of Fuyama '376 set forth above with respect to claim 1. The teachings of Fuyama '376, as described above, clearly do not satisfy the specific features set forth in claim 2.

Further, with respect to dependent claim 4 and 5, there is no disclosure or suggestion of converting the distance data to time data based on an area entering speed.

§103(a) Rejections (Fuyama '376 / Fuyama '267) - Claims 6 and 7

Claims 6 and 7 are rejected for the reasons set forth on pages 4 and 5 of the present Office Action. First, Applicants submit that claims 6 and 7 are patentable at least by virtue of their respective dependencies from independent claim 1. Fuyama '267 does not make up for the deficiencies of Fuyama '376.

Further, with respect to dependent claim 7, the Examiner simply states that speed warnings may be provided using a voice message. However, neither Fuyama '376 nor Fuyama '267 discloses or suggests the specific feature of generating a synthesized voice message signal for prompting change of speed of the motor vehicle in dependence on a vehicle speed signal outputted from the vehicle speed detecting means. The Examiner has obviously utilized impermissible hindsight reasoning in concluding that the features of claim 7 are satisfied.

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/688,834

ATTORNEY DOCKET NO. Q60831

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

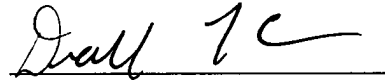
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